

Eligible Recipient Agencies (ERA) & The Emergency Food Assistance Program (TEFAP)

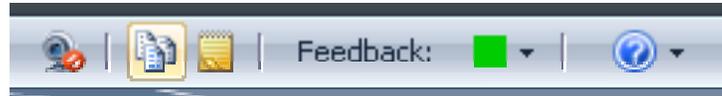
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Meeting Logistics

Access to materials:



How to make a comment or ask a question:

- Type your question or comment using the Q&A Tab



- Ask your question or comment on the phone

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Agenda

- General background
- State agency role
- ERA roles/responsibilities
- Frequently Asked Questions (FAQ)

History

- **Origin**
 - Surplus Food + Difficult Economy
 - Successful program: “Temporary” to “The”
- **Mission: Provide nutrition assistance to low-income persons**
- **State allocations based on legislatively-mandated formula**
- **Resources**
 - Annual appropriation for food
 - Annual appropriation for administrative funds
 - Additional bonus foods through market/price supports, as available

TEFAP Today

- USDA-donated food for low-income persons
- Administrative funds for State and local distribution costs
- State-administered Federal program
- ERAs and EFOs at local level

ERAs and EFOs

- **Eligible Recipient Agencies (ERA)**

- Only ERAs may receive TEFAP
- ERAs:
 - Must be nonprofit or public, but not penal
 - Must distribute food, either as meals or for household consumption
 - Have a TEFAP agreement with State or another ERA
 - Must be a certain type of organization

- **Emergency Feeding Organizations (EFO)**

- Subset of ERAs
- Organizations that relieve situations of emergency and distress through the provision of food to the needy.
- Primarily food banks, food pantries, soup kitchens, community action agencies, etc.

ERAs and EFOs

- **EFOs get priority**
 - Needs of all EFOs must be met before any non-EFO gets TEFAP
- **Practical definition of ERA**
 - Generally only EFOs participate in TEFAP because of current level of need
 - Other types of ERAs rarely get food

State Agency Role

- Agreement with USDA
- Develops and maintains TEFAP State Plan
- Agreements with ERAs
- Ultimate responsibility
 - Accountable
 - Decides distribution of resources
 - May delegate many (but not all) functions

ERA Agreements

- Federal regulations require a written agreement between:
 - States and ERAs, OR
 - ERAs and other ERAs
- ERA agreement must include:
 - Commitment to adhere to program regulations
 - ERA name and address
 - Description of any:
 - Delegated functions
 - Restrictions on distributions or administrative funds
 - Other conditions imposed by State agency

ERA Owned/Operated Storage Facilities

- Protect food against losses
- Obtain health inspections as required by State and local law/regulation
- ERAs must conduct annual reviews of its facilities
 - If deficiencies found, correct immediately
 - Send result of corrective action to State agency
 - Claim possible
- State agency must ensure the reviews occur

ERA-Contracted Storage Facilities

- **Written contracts**
 - May not exceed five years
- **ERAs must conduct annual reviews of the contracted facilities**
- **Required provisions:**
 - Storage standards (same as ERAs)
 - Clearly ID USDA foods
 - Maintain inventory system
 - Annual physical inventory/reconciliation
 - Beginning and ending dates of contract
 - Termination (Immediate for non-compliance, 30-day notice for all other reasons)
 - Insurance
 - Consent to inspection/inventory

Questions & Answers

Open for your questions!

Type your question into the **Q&A** tab located
at the top, left hand side of your screen

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and wait for the operator to open your line.

Distributing Food to Program Participants

- **Two types of distributions**
 - Household use
 - Prepared meals
- **State agency establishes eligibility criteria for both**
 - This responsibility cannot be delegated

Eligibility Criteria

- **Prepared meals**
 - Must serve “predominately needy” (or higher standard)
 - No means test
- **Household use**
 - Statewide uniform criteria
 - Must serve low-income people
 - Income-based standards
 - Residency (but not length of residency)

Civil Rights

- All TEFAP agencies must follow civil rights policies:
 - Notify public of their rights:
 - Program availability
 - Complaint procedures
 - Nondiscrimination statement/Justice for All posters
<http://www.fns.usda.gov/cr/justice.htm>
 - Ensure that people with limited English proficiency can access TEFAP and related information
 - Provide appropriate training to volunteers and staff
- Resource - <http://www.fns.usda.gov/cr/Documents/113-1.pdf>

Frequently Asked Questions

- **How do ERAs get TEFAP food?**
 - Varies by State
- **How is the amount of TEFAP food and administrative funds that each ERA receives determined?**
 - States has authority to decide; may delegate
 - Often try to account for need
 - Often consult with ERAs

Frequently Asked Questions

- **How can TEFAP administrative funds be used?**
 - To pay “allowable costs” of distributing:
 - TEFAP Food, and
 - Food obtained from non-Federal sources
 - Allowable Costs include (but not limited to):
 - Transportation
 - Storage
 - Processing
 - Distribution
 - States may further restrict use of administrative funds
 - See 7 CFR 251.8(e)(1) and OMB-Circular A-122 ([2 CFR 230](#)) for more details

Frequently Asked Questions

- **What functions can State agency delegate to ERAs?**
 - *Almost* all functions
 - State agency cannot delegate:
 - Monitoring responsibilities
 - Establishing eligibility criteria
 - **NOTE:** State agency is still ultimately responsible for program

- **What kinds of records must ERAs keep?**
 - Receipt, disposal, and inventory of food
 - Household information
 - Use of administrative funds

Frequently Asked Questions

- **Can State agencies charge ERAs administrative fees for TEFAP food?**
 - No.
- **Can ERAs charge other ERAs such fees?**
 - Yes, but not for the value of the food.
- **Can participants be charged for TEFAP food?**
 - No. In fact, they cannot even be asked for contributions.
- **Can ERAs distribute TEFAP food that is past its best-if-used-by, use-by, expiration, or sell-by dates?**
 - No.

Frequently Asked Questions

- **Is double-dipping (i.e., participants getting food at more than one location) prohibited?**
 - No federal prohibition
- **Can ERAs use administrative funds to buy food?**
 - No.
- **Are unrelated activities allowed?**
 - Must be clear activities are not part of TEFAP or endorsed by USDA
 - Cooperation/participation cannot be required
 - Activity cannot disrupt food distribution

Frequently Asked Questions

- **Can ERAs collect Social Security Numbers (SSN)?**
 - FNS does not require
 - States *MAY* require
 - If State does *NOT* require, ERAs *MAY NOT* collect
 - If State *DOES* require, ERAs *MUST* provide certain information
 - Advance notice of requirement
 - Notice that disclosure is mandatory
 - Statutory authority for soliciting such information
 - Description of use
 - Even if State requires, applicants cannot be denied TEFAP food for failing to provide one

TEFAP Resources

- **Regulations**

- 7 CFR Part 250 – General Food Distribution
- 7 CFR Part 251 – TEFAP

- **Legislation**

- The Emergency Food Assistance Act of 1983

- **Policy Memorandums**

- Offer further clarification and guidance

- **These resources can be found on the Food Distribution website at www.fns.usda.gov/usdafoods**

- Click on *Policy and Regulations* in menu bar on the right.

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Additional Questions

<http://www.fns.usda.gov/fdd/programs/tefap/>

Thank you!

